



Department of Municipal Licenses and Inspections

Zoning Board of Appeals

1 JFK Memorial Drive – Braintree, Massachusetts 02184

Joseph C. Sullivan
Mayor

Meeting Minutes

November 25, 2014

IN ATTENDANCE: Stephen Karll, Chairman
Richard McDonough, Member
Michael Ford, Member

ALSO PRESENT: Michael McGourty, Local Building Inspector
Peter Morin, Town Solicitor

Mr. Karll called the meeting to order at 7:00pm.

OLD BUSINESS:

- 1) **Petition Number: 14-30**
Petitioner: James F. Radar, Manager of 400 West , LLC
RE: 400 West Street

Mr. Karll advised the Board that the petitioner has submitted a written request for a 30-day extension of the petition.

On a motion made by Mr. Karll and seconded by Mr. Ford, the Board voted 3-0 to grant a 30 day extension of the petition to be heard at the December 16, 2014 meeting.

NEW BUSINESS:

- 2) **Petition Number 14-33**
Petitioner: Bonnie Tann
RE: 639 Washington Street

Mr. Karll advised the Board that the petitioner has submitted a written request for a 60-day extension of the petition.

On a motion made by Mr. Karll and seconded by Mr. Ford, the Board voted 3-0 to grant a 60 day extension of the petition to be heard at the January 27, 2015 meeting.

- 3) **Petition Number 14-34**
Petitioner: Robert Cuoco, Work 'N Gear
RE: 355 Quincy Avenue

Mr. Karll advised the Board that the petitioner has submitted a written request for a 60-day extension of the petition.

On a motion made by Mr. Karll and seconded by Mr. McDonough, the Board voted 3-0 to grant a 60 day extension of the petition to be heard at the January 27, 2015 meeting.

- 4) **Petition Number 14-35**
Petitioner: Paul T. Casale, R & F Limited Partnership & Welch Healthcare & Retirement Group, Inc.
RE: 233 Middle Street

Present: Attorney Frank Marinelli representing the petitioner; representatives of Kelly Engineering, Hawk Design, and Cutler Associates-Architect.

This is a petition filed by R & F Limited Partnership and Welch Healthcare and Retirement Group, Inc. represented by Frank Marinelli, Esquire, Marinelli Law Firm, 439 Washington Street Braintree, MA 02184. The petitioners seek permission to remove a large portion of the John Scott Nursing Home, namely a wood-frame building that is the oldest portion of the current structure. The number of beds will be reduced from 189 to 138. Renovations to the facility will include exterior façade improvements, landscaping/retaining walls with a courtyard and a 740 square foot porte-cochere entry. The property is located within a Residence B District Zone as shown on Assessors Map 3045, Plot 1 and contains a land area of approximately 49,043 square feet. The petitioner seeks relief from requirements under Chapter 135-403, 407 and 701.

Notice

Pursuant to notice duly published in a newspaper in general circulation in the Town, posted at Town Hall, and by written notice mailed to all parties of interest pursuant to G.L. Chapter 40A, a hearing was scheduled for November 25, 2014 before the Zoning Board of Appeals at 7 p.m. at Braintree Town Hall. Sitting on this petition was Chairman, Steve Karll, and members Richard McDonough and Michael Ford.

Evidence

The petition was presented by the counsel for the petitioners Frank Marinelli, Esquire. The petitioner provided documentation in support of its application including plans, a drawing depicting the visual impact of the proposed structure, and representatives of Kelly Engineering and, Hawk Design and Cutler Associates the architect for the proposed project were present. The presentation emphasized the reduced lot coverage, enhanced landscaping and improved drainage and parking. The relief requested is based on the non-conforming front yard setback (15.1 feet at present where 20 feet are required) and the height of the existing building is 41 feet, six feet higher than the 35 foot limit. The proposed construction does not cure this non-conforming condition but does not intensify it. The proposed porte-cochere meets all the required setbacks for the Resident B Zoning District.

The Planning Board supported a favorable recommendation on the petition by a vote of 4-0-0.

There was no testimony in opposition to the proposal.

Findings

The Board concluded that the proposed demolition and renovation is not substantially more detrimental to the neighborhood than the existing structures and that relief could be granted without denigrating or nullifying the intent or purpose of the Zoning Bylaw. The Board found that the proposal would in fact enhance the property and the surrounding neighborhood.

Decision

On motion made by Mr. Ford and seconded by Mr. McDonough, it was unanimously voted 3-0 to grant the requested relief, subject to the plans presented.

APPROVAL OF MINUTES:

On a motion made by Mr. Karll and seconded by Mr. Ford, the Board voted 3-0 to accept the meeting minutes of October 28, 2014.

The Board adjourned the meeting at pm.